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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,618

03/25/2004

Farrokh Mohammadzadeh Kouchri

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7486

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05/30/2008

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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

05/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,618	Applicant(s) KOUCHRI ET AL.	
	Examiner OLISA ANWAH	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/25/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/6/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1-12 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting¹ as being unpatentable over claims 1-13 of copending Application No. 10/809,629. Although the conflicting claims are not identical,

¹ This is a provisional obviousness-type double patenting because the conflicting claims have not in fact been patented.

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they are not patentably distinct from each other because the claims 1-12 of the present application are similar in scope to the claims of the copending case. More specifically, similar to claims 1 and 10 of the present application, the copending case claims an application for monitoring a call in a telecommunications network in compliance with a governmental regulation, comprising: an application for executing commands that effect the governmental regulation for monitoring the call; and a primary rate (PRI) coupled to the application for redirecting calls to be monitored in compliance with the governmental regulation. As a result, claims 1 and 10 of the present application are clearly covered by the claims of the copending application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the

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international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1, 3-6, 8-10 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kampmeier et al, U.S. Patent No. 6,728,338 (hereinafter Kampmeier).

Regarding claim 1, Kampmeier discloses an apparatus for effecting a governmental regulation (from column 1, see lines 36-40 and lines 50-52) for monitoring a call in a telecommunications network, comprising:

an application for executing commands that effect the governmental regulation (see line 65 of column 2 through line 12 of column 3);

a primary rate interface (PRI) coupled to the application for redirecting calls to be monitored according to the governmental regulation (see lines 13 through 21 of column 3); and

a telephony protocol encapsulating the PRI for transporting signals relating to the call over a packetized network (see lines 25 through 35 of column 1).

Regarding claim 3, see column 1.

Regarding claim 4, see column 3.

Regarding claim 5, see column 5.

Regarding claim 6, see column 5.

Regarding claim 8, see column 1.

Regarding claim 9, see column 1.

Claim 10 is rejected for the same reasons as claim 1.

Claim 12 is rejected for the same reasons as claim 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C § 103(a) as being unpatentable over Kampmeier in view of Albers et al. U.S. Patent No. 6,229,887 (hereinafter Albers).

Regarding claim 7, Kampmeier does not teach a Service Control Point that determines whether a particular call is to be regulated. At any rate, Albers discloses this feature (see

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column 8). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kampmeier with a Service Control Point of Albers. This modification would have improved the system's convenience by making it easier to introduce new services on the network.

7. Claims 2 and 11 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kampmeier in view of Dantu et al, U.S. Patent No. 7,006,433 (hereinafter Dantu).

Regarding claim 2, nowhere does Kampmeier disclose that the telephony protocol is SIGTRAN. Even so, Dantu discloses this limitation (see column 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kampmeier wherein the telephony protocol is SIGTRAN as taught by Dantu. This modification would have improved the system's flexibility by making it possible to provision a host of advanced services in both wireless and wireline telecommunication networks as suggested by Dantu (see column 1).

Claim 11 is rejected for the same reasons as claim 2.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Olisa Anwah
Patent Examiner
June 1, 2008

/Olisa Anwah/

Primary Examiner, Art Unit 2614